THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No. 21259 of 2000

This writ petition is filed by the widow of a lecturer, who died in harness on 4-8-1999, seeking a declaration that the action of the respondents in not settling the terminal benefits of her late husband and in not considering her case for appointment on compassionate grounds as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and for a consequential direction to settle the terminal benefits i.e., pension, gratuity, leave salary, family benefit fund and Teachers Provident Fund and group savings linked insurance scheme claim and further to consider her case for appointment to any suitable post on compassionate grounds in the 3rd respondent college.

The learned counsel for the petitioner submits that in pursuance of the interim directions granted by this Court in W.P.M.P.No.2925 of 2001, dated 23-3-2001, the respondents sanctioned family pension and also disbursed the death-cum-retirement gratuity of the husband of the petitioner, but, however, withheld the arrears of salary of Rs.82,092/-, GSLIS (Lis) Rs.1,11,000/-, last pay drawn Rs. 6,000/- and Teacher's Provident Fund Rs.25,000/-.

A detailed counter affidavit has been filed by the 3rd respondent, inter alia, stating that the Teachers' Provident Fund and Group Savings Link Insurance Scheme amount of Rs.23,170=50 ps. is standing to the credit of the late husband of the petitioner in deposit in Post Office, but the petitioner neither approached the authorities nor collected the said amount in deposit. The respondents, it is stated, have no objection whatsoever for the withdrawal of the amount in deposit. However, it is to be seen that there is no reference in respect of their liability to pay the arrears of salary as per the last pay drawn payable to the husband of the petitioner.

In view of the above, without expressing any opinion, I consider it appropriate to direct the respondents to permit the petitioner to

withdraw the amounts lying to the credit of her late husband in respect of Teachers Provident Fund and GSIS. Further the 3rd respondent is directed to pay the arrears of salary as per the last pay drawn by the petitioner's husband within a period of three months from the date of receipt of a copy of this order. The petitioner is permitted to make an application afresh in a prescribed form, if any, for appointment on compassionate grounds and the respondents are directed to consider the same as per the scheme available in this regard and in accordance with law.

The writ petition is disposed of with the above directions. There shall be no order as to costs.

10th August, 2005

BJ/